

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

<b>In re:</b>	:	MDL Docket No. 4:03CV1507-WRW
	:	4:05CV00497
<b>PREMPRO PRODUCTS LIABILITY LITIGATION</b>	:	
	:	
	:	
<b>HELENE RUSH</b>	:	<b>PLAINTIFF</b>
	:	
<b>v.</b>	:	
	:	
<b>WYETH</b>	:	<b>DEFENDANT</b>

**ORDER**

The parties submitted their witness designations, counter-designations, and objections for review. The depositions of Colditz, Essner, Hassan, and Mittleman were used in trial. The remainder were not used, but are included in this Order to serve as guidance in future cases. Additionally, as I mentioned in a December 9, 2006 letter,<sup>1</sup> designations and objections that overlapped with the *Reeves* rulings,<sup>2</sup> but were not specifically mentioned in this order are considered adopted and your record is preserved.

**Essner, June 28, 2006**

Plaintiff's objection to page 27, line 21 through page 28, line 13 is OVERRULED.

Defendant's objection to page 30, lines 6 through 16, is OVERRULED.

Defendant's objection to page 46, lines 17 through 20, is SUSTAINED.

Defendant's objection to page 46, line 22 through page 47, line 6 is SUSTAINED.

Defendant's objection to page 47, lines 8 through 22, is SUSTAINED.

Plaintiff's objection to page 81, lines 4 through 8, is OVERRULED.

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<sup>1</sup>Doc. No. 409.

<sup>2</sup>*Reeves v. Wyeth*, 4:05-CV-00163 (Doc. No. 448).

Defendant's objection to page 142, lines 8 through 15, is OVERRULED.

Defendant's objection to page 162, lines 14 through page 163, line 24 is OVERRULED.

Defendant's objection to page 164, lines 2 through 14, is OVERRULED.

Defendant's objection to page 171, lines 5 through 17, is OVERRULED.

Plaintiff's designation on page 192, line 7 was WITHDRAWN.

Defendant's objection to page 196, lines 8 through 10, is OVERRULED.

Defendant's objection to page 199, lines 1 through 15, is OVERRULED.

Defendant's objection to page 199, line 17 through page 200, line 1 is OVERRULED.

Plaintiff's objection to page 214, line 16 through page 215, line 6 is OVERRULED.

Plaintiff's objection to page 222, line 15 through page 223, line 10 is OVERRULED.

Plaintiff's objection to page 244, line 13 through page 245, line 1 is OVERRULED.

Plaintiff's objection to page 251, line 10 through page 253, line 7 is OVERRULED.

Plaintiff's objection to page 269, line 12 through page 270, line 16 is OVERRULED.

Plaintiff's objection to page 283, line 9 through page 284, line 3 is OVERRULED.

Plaintiff's objection to page 285, line 21 through page 287, line 14 is OVERRULED.

Plaintiff's objection to page 294, line 11 through page 295, line 8 is OVERRULED.

Defendant's objection to page 296, line 9 through page 297, line 3 is SUSTAINED.

Defendant's objection to page 297, line 20 through page 300, line 9 is OVERRULED.

Defendant's objection to page 318, line 22 through page 319, line 3 is SUSTAINED.

Defendant's objection to page 319, line 5 through page 320, line 9 is SUSTAINED.

Plaintiff's objection to page 343, line 15 through page 344, line 1 is OVERRULED.

Plaintiff's objection to page 344, lines 12 through 18, is OVERRULED.

Defendant's objection to page 375, line 10 through page 376, line 4 is OVERRULED.

**Essner, June 29, 2006**

Defendant's objection to page 531, lines 10 through 18, is OVERRULED.

Defendant's objection to page 544, line 23 through page 545, line 8 is OVERRULED.

Defendant's objection to page 548, line 5 through page 553, line 16 is SUSTAINED.

Defendant's objection to page 553, line 18 through page 563, line 9 is SUSTAINED.

Defendant's objection to page 555, line 14 through page 556, line 19 is WITHDRAWN.

Defendant's objection to page 556, line 15 through page 557, line 17 is OVERRULED.

Defendant's objection to page 557, lines 9 through 17, is OVERRULED.

Defendant's objection to page 557, lines 19 through 20, is OVERRULED.

Defendant's objection to page 558, lines 9 through 14, is OVERRULED.

Defendant's objection to page 558, lines 16 through 24, is OVERRULED.

Defendant's objection to page 559, lines 2 through 23, is OVERRULED.

Defendant's objection to page 562, lines 19 through page 563, line 9 is OVERRULED.

Defendant's objection to page 563, lines 11 through 17, is OVERRULED.

Defendant's objection to page 564, lines 5 through 8, is SUSTAINED.

Defendant's objection to page 566, lines 10 through 14, is SUSTAINED.

Defendant's objection to page 567, lines 8 through 15, is SUSTAINED.

Defendant's objection to page 568, line 19 through page 570, line 17 is OVERRULED.

Plaintiff's objection to page 665, lines 14 through 22, is OVERRULED.

Defendant's objection to page 696, line 4 through page 697, line 4 is OVERRULED.

Plaintiff's objection to page 771, line 23 through page 772, line 16 is OVERRULED.

Plaintiff's objection to page 781, lines 13 through 23, is OVERRULED.

Plaintiff's objection to page 786, line 16 through page 787, line 8 is OVERRULED.

Plaintiff's objection to page 797, line 18 through page 798, line 4 is OVERRULED.

Plaintiff's objection to page 798, lines 13 through 15, is OVERRULED.

Plaintiff's objection to page 805, lines 1 through 22, is OVERRULED.

Defendant's objection to page 823, line 5 through page 825, line 6 is OVERRULED.

**Essner, September 20, 2006**

Defendant's objection to page 870, line 14 through page 872, line 12 is OVERRULED.

Defendant's objection to page 872, line 14 through page 874, line 9 is OVERRULED.

Defendant's objection to page 874, line 22 through page 876, line 10 is OVERRULED.

Defendant's objection to page 876, line 17 through page 878, line 16 is OVERRULED.

Defendant's objection to page 879, lines 2 through 18, is OVERRULED.

Defendant's objection to page 880, line 14 through page 881, line 4 is OVERRULED.

Defendant's objection to page 881, line 20 through page 883, line 17 is OVERRULED.

Plaintiff's objection to page 883, line 20 through page 884, line 6 is OVERRULED.

Defendant's objection to page 884, line 17 through page 886, line 4 is OVERRULED.

Plaintiff's objection to page 886, lines 9 through 11, is OVERRULED.

Defendant's objection to page 886, line 13 through 887, line 11 is OVERRULED.

Plaintiff's objection to page 887, lines 12 through 13, is OVERRULED.

Defendant's objection to page 888, line 5 through page 889, line 2 is OVERRULED.

Defendant's objection to page 889, lines 15 through 23, is OVERRULED.

**Mittleman, May 2, 2006**

Defendant's objection to page 39, lines 9 through 21, is OVERRULED.

Defendant's objection to page 48, line 10 through page 49, line 15 is SUSTAINED.

Defendant's objection to page 49, line 18 through page 50, line 9 is SUSTAINED.

Defendant's objection to page 50, lines 11 through 24, is OVERRULED.

Defendant's objection to page 53, lines 2 through 16, is SUSTAINED\*\*.<sup>3</sup>

Defendant's objection to page 57, line 10 through page 60, line 16 is SUSTAINED\*\*.

Defendant's objection to page 62, line 17 through page 63, line 9 is SUSTAINED\*\*.

Defendant's objection to page 62, line 24 through page 63, line 7 is SUSTAINED\*\*.

Defendant's objection to page 65, line 5 through page 66, line 1 is SUSTAINED\*\*.

Defendant's objection to page 87, line 15 through page 88, line 20 is SUSTAINED\*\*.

Defendant's objection to page 94, lines 17 through 24, is SUSTAINED\*\*.

Defendant's objection to page 97, lines 3 through 15, is SUSTAINED\*\*.

Defendant's objection to page 98, line 9 through page 99, line 2 is SUSTAINED\*\*.

Defendant's objection to page 102, line 11 through page 103, line 5 is SUSTAINED\*\*.

Defendant's objection to page 103, lines 8 through 23, is SUSTAINED\*\*.

Plaintiff's objection to page 105, lines 5 through 10 was WITHDRAWN.

Defendant's objection to page 119, line 17 through page 120, line 13 is SUSTAINED\*\*.

Defendant's objection to page 122, line 18 through page 123, line 2 is SUSTAINED\*\*.

Defendant's objection to page 128, line 22 through page 130, line 12 is SUSTAINED\*\*.

Defendant's objection to page 128, line 22 through page 129, line 17 is SUSTAINED\*\*.

Defendant's objection to page 148, lines 11 through 22, is SUSTAINED\*\*.

Defendant's objection to page 192, line 19 through page 195, line 19 is SUSTAINED\*\*.

Defendant's objection to page 221, line 11 through page 224, line 9 is SUSTAINED\*\*.

Defendant's objection to page 224, lines 10 through 16, is SUSTAINED\*\*.

Plaintiff's objection to page 269, lines 10 through 24, was WITHDRAWN.

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<sup>3</sup>"Sustained \*\*" indicates that the objection was sustained because the designation referred to an exhibit that was deemed inadmissible.

**Mittleman, May 3, 2006<sup>4</sup>**

Plaintiff's objection to page 928, line 4 through page 929, line 2 is MOOT.

Plaintiff's objection to page 931, line 24 through page 932, line 22 is MOOT.

Plaintiff's objection to page 933, lines 1 through 6, is MOOT.

Plaintiff's objection to page 935, line 24 through page 936, line 9 is MOOT.

Plaintiff's objection to page 936, line 12 through 937, line 23 is MOOT.

Plaintiff's objection to page 938, lines 8 through 11, is MOOT.

Plaintiff's objection to page 942, lines 3 through 24, is MOOT.

Plaintiff's objection to page 954, lines 20 through 21, is MOOT.

Plaintiff's objection to page 954, line 22 through page 955, line 22 is MOOT.

Plaintiff's objection to page 956, line 19 through page 957, line 3 is MOOT.

Plaintiff's objection to page 959, lines 1 through 10, is MOOT.

Plaintiff's objection to page 959, line 12 through page 961, line 14 is MOOT.

Plaintiff's objection to page 966, lines 12 through 16, is MOOT.

Defendant's objection to page 966, line 24 through page 969, line 18 is MOOT.

Defendant's objection to page 971, line 13 through page 972, line 8 is MOOT.

Defendant's objection to page 972, lines 9 through 23, is MOOT.

**Anderson, October 27, 2005**

Plaintiff's objection to page 122, lines 16 through 21, is OVERRULED.

Plaintiff's objection to page 122, line 22 through page 123, line 15 is OVERRULED.

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<sup>4</sup>All of the Mittleman, May 3, 2006 were counter-designations and unnecessary since no affirmative designations by Plaintiff were admissible.

**Kessler, August 28, 2006**

Plaintiff's designation on page 14, line 5 through page 17, line 1 was WITHDRAWN.

Plaintiff's designation on page 24, line 24 through page 25, line 9 was WITHDRAWN.

Defendant's objection to page 25, lines 17 through 19, is OVERRULED.

Defendant's objection to page 25, line 24 through page 26, line 3 is OVERRULED.

Defendant's objection to page 25 line 24 through page 26, line 7 is OVERRULED.

Plaintiff's designation on page 26, lines 14 through 17, was WITHDRAWN.

Plaintiff's designation on page 27, lines 9 through 11, was WITHDRAWN.

Defendant's objection to page 27, lines 23 through 25, is OVERRULED.

Defendant's objection to page 28, lines 8 through 10, is OVERRULED.

Plaintiff's designation on page 28, lines 18 through 22, was WITHDRAWN.

Defendant's objection to page 29, lines 4 through 6, is OVERRULED.

Defendant's objection to page 29, line 12 through page 30, line 1 is OVERRULED.

Defendant's objection to page 30, lines 10 through 18, is OVERRULED.

Plaintiff's designation on page 31, lines 1 through 6, was WITHDRAWN.

Defendant's objection to page 31, line 24, is OVERRULED.

Plaintiff's designation on page 34, line 24 through page 35, line 4 was WITHDRAWN.

Plaintiff's designation on page 35, line 15 through page 36, line 2 was WITHDRAWN.

Plaintiff's objection to page 36, line 20 through page 38, line 15 is MOOT.

Plaintiff's designation on page 39, line 4 through page 41, line 5 was WITHDRAWN.

Defendant's objection to page 41, lines 6 through 7, is OVERRULED.

Defendant's objection to page 41, lines 14 through 16, is OVERRULED.

Defendant's objection to page 42, lines 6 through 9, is OVERRULED.

Defendant's objection to page 42, lines 23 through 24, is OVERRULED.

Plaintiff's designation on page 43, line 16 through page 47, line 8 was WITHDRAWN.

Defendant's objection to page 47, line 18 through page 48, line 3 is OVERRULED.

Defendant's objection to page 48, lines 5 through 6, is OVERRULED.

Plaintiff's designation on page 48, lines 12 through 14, was WITHDRAWN.

Defendant's objection to page 48, lines 17 through 20, is SUSTAINED.

Plaintiff's designation on page 49, line 6 through page 50, line 17 was WITHDRAWN.

Plaintiff's designation on page 51, line 6 through page 52, line 21 was WITHDRAWN.

Plaintiff's designation on page 53, line 19 through page 55, line 4 was WITHDRAWN.

Plaintiff's designation on page 55, line 6 through page 56, line 14 was WITHDRAWN.

Plaintiff's designation on page 56, line 22 through page 66, line 19 was WITHDRAWN.

Defendant's objection to page 66, line 1 through page 69, line 6 is SUSTAINED\*\*.

Defendant's objection to page 69, lines 7 through 11, is OVERRULED.

Defendant's objection to page 70, lines 12 through 23, is OVERRULED.

Defendant's objection to page 71, lines 1 through 20, is SUSTAINED.

Defendant's objection to page 72, lines 4 through 18, is SUSTAINED.

Plaintiff's designation on page 72, line 21 through page 92, line 1 was WITHDRAWN.

Defendant's objection to page 93, line 7 through 11, is SUSTAINED\*\*.

Plaintiff's designation on page 83, line 17 through page 85, line 3 was WITHDRAWN.

Defendant's objection to page 85, line 4 through page 91, line 7 is OVERRULED.

Plaintiff's designation on page 91, line 8 through page 94, line 12 was WITHDRAWN.

Defendant's objection to page 94, lines 13 through 15, is SUSTAINED\*\*.

Defendant's objection to page 94, lines 22 through 24, is SUSTAINED\*\*.

Defendant's objection to page 94, lines 13 through 24, is SUSTAINED\*\*.



Defendant's objection to page 95, lines 9 through 17, is SUSTAINED\*\*.

Defendant's objection to page 96, line 12 through page 99, line 7 is SUSTAINED\*\*.

Plaintiff's designation on page 98, line 12 through page 103, line 1 was WITHDRAWN.

Defendant's objection to page 103, lines 2 through 5, is SUSTAINED\*\*.

Plaintiff's designation on page 103, line 12 through page 104, line 16 was WITHDRAWN.

Defendant's objection to page 104, lines 17 through 24 is SUSTAINED\*\*.

Defendant's objection to page 104, line 25 through page 105, line 2 is SUSTAINED\*\*.

Defendant's objection to page 105, lines 4 through 9, is SUSTAINED\*\*.

Plaintiff's designation from page 105, line 23 through 106, line 3 was WITHDRAWN.

Defendant's objection to page 106, lines 23 through 25, is SUSTAINED\*\*.

Defendant's objection to page 107, lines 2 through 23, is SUSTAINED\*\*.

Defendant's objection to page 107, lines 12 through 20, is SUSTAINED\*\*.

Defendant's objection to page 107, line 25 through page 108, line 6 is SUSTAINED\*\*.

Defendant's objection to page 108, line 16 through page 109, line 8 is SUSTAINED\*\*.

Plaintiff's designation from page 109, line 3 through page 111, line 21 was WITHDRAWN.

Defendant's objection to page 111, line 22 through page 112, line 18 is SUSTAINED\*\*.

Plaintiff's designation from page 113, lines 8 through 13, was WITHDRAWN.

Defendant's objection to page 113, line 11 through page 116, line 4 is SUSTAINED\*\*.

Plaintiff's designation from page 116, line 2 through 25, was WITHDRAWN.

Plaintiff's designation from page 117, line 15 through page 131, line 10 was WITHDRAWN.

Plaintiff's designation from page 132, lines 12 through 18, was WITHDRAWN.

Plaintiff's designation from page 133, line 5 through page 147, line 24 was WITHDRAWN.

Plaintiff's designation from page 149, line 14 through page 155, line 1 was WITHDRAWN.

Plaintiff's designation from page 155, line 22 through page 156, line 3 was WITHDRAWN.

Plaintiff's designation from page 156, line 18 through page 162, line 5 was WITHDRAWN.

Plaintiff's designation from page 163, line 20 through page 169, line 6 , was WITHDRAWN.

Plaintiff's designation from page 172, line 19 through page 175, line 3 was WITHDRAWN.

**Hassan, December 16, 2006**

Defendant's objection to page 39, lines 11 through 15, is OVERRULED.

Defendant's objection to page 85, line 12 through page 86, line 8 is SUSTAINED.

Plaintiff's objection to page 93, line 6 through page 94, line 21 is OVERRULED.

Plaintiff's objection to page 93, line 22 through 94, line 21 is OVERRULED.

Plaintiff's objection to page 127, line 14 through 128, line 2 is OVERRULED.

Plaintiff's objection to page 128, lines 5 through 6, is OVERRULED.

Plaintiff's objection to page 146, line 23 through page 147, line 10 is OVERRULED.

Plaintiff's objection to page 303, lines 4 through 8, is OVERRULED.

Plaintiff's objection to page 306, lines 8 through 17, is OVERRULED.

Plaintiff's objection to page 307, lines 8 through 12, is OVERRULED.

Defendant's objection to page 310, lines 7 through 10, is OVERRULED.

Defendant's objection to page 319, lines 20 through 24, is OVERRULED.

Defendant's objection to page 320, lines 12 through 17, is OVERRULED.

Defendant's objection to page 321, line 5 through page 325, line 1 is OVERRULED.

Defendant's objection to page 323, lines 15 through 16, is SUSTAINED.

Defendant's objection to page 325, lines 3 through 7, is OVERRULED.

Defendant's objection to page 325, lines 10 through 18, is OVERRULED.

Defendant's objection to page 325, line 21 through page 326, line 12 is OVERRULED.

Defendant's objection to page 326, lines 7 through 12, is OVERRULED.

Defendant's objection to page 326, line 23 through page 327, line 1 is OVERRULED.

Defendant's objection to page 332, lines 12 through 19, is OVERRULED.

Defendant's objection to page 332, line 12 through page 335, line 17 is OVERRULED.

Defendant's objection to page 333, lines 16 through 21, is OVERRULED.

Defendant's objection to page 341, lines 12 through 14, is OVERRULED.

Defendant's objection to page 341, lines 20 through page 342, line 8 is OVERRULED.

Defendant's objection to page 344, line 11 through 345, line 3 is OVERRULED.

Defendant's objection to page 345, lines 17 through 21, is OVERRULED.

Defendant's objection to page 350, lines 14 through 19, is OVERRULED.

Defendant's objection to page 369, line 23 through page 370, line 3 is

Defendant's objection to page 370, lines 8 through 9, is OVERRULED.

Defendant's objection to page 370, lines 20 through 24, is OVERRULED.

Defendant's objection to page 372, line 22 through page 373, line 4 is OVERRULED.

Defendant's objection to page 373, lines 22 through 24, is OVERRULED.

Defendant's objection to page 374, lines 10 through 12, is OVERRULED.

Defendant's objection to page 375, lines 13 through 17, is OVERRULED.

Defendant's objection to page 375, lines 21 through 22, is OVERRULED.

Defendant's objection to page 377, lines 2 through 7, is OVERRULED.

Plaintiff's objection to page 378, line 2 through page 379, line 7 is OVERRULED.

Plaintiff's objection to page 405, lines 10 through 11, is OVERRULED.

Plaintiff's objection to page 410, line 16 through page 411, line 9 is OVERRULED.

Defendant's objection to page 469, lines 11 through 14, is OVERRULED.

Defendant's objection to page 469, line 21 through page 470, line 7 is OVERRULED.

Defendant's objection to page 471, line 9 through page 472, line 5 is OVERRULED.

Defendant's objection to page 473, lines 8 through 16, is OVERRULED.

Defendant's objection to page 473, line 21 through page 474, line 1 is OVERRULED.

Defendant's objection to page 477, lines 18 through 24, is OVERRULED.

Defendant's objection to page 478, lines 9 through 14, is OVERRULED.

Defendant's objection to page 479, lines 1 through 6, is OVERRULED.

Defendant's objection to page 480, lines 9 through 13, is OVERRULED.

Defendant's objection to page 482, lines 14 through 21, is OVERRULED.

Defendant's objection to page 484, lines 3 through 6, is OVERRULED.

Defendant's objection to page 485, lines 2 through 4, is OVERRULED.

Defendant's objection to page 487, lines 17 through 23, is OVERRULED.

Defendant's objection to page 488, line 21 through page 489, line 6 is OVERRULED.

Defendant's objection to page 489, lines 13 through 20, is OVERRULED.

Defendant's objection to page 492, line 10 through page 493, line 11 is OVERRULED.

Defendant's objection to page 493, lines 6 through 11, is OVERRULED.

Defendant's objection to page 495, lines 8 through 24, is OVERRULED.

Defendant's objection to page 498, line 6 through page 499, line 1 is OVERRULED.

Defendant's objection to page 501, lines 5 through 21, is OVERRULED.

Defendant's objection to page 502, lines 6 through 11, is OVERRULED.

**Colditz, August 23, 2006**

Plaintiff's general objection to this testimony is OVERRULED.

Plaintiff's objection to page 415, line 15 through page 416, line 12 is OVERRULED.

Plaintiff's objection to page 446, line 22 through page 448, line 2 is OVERRULED.

Plaintiff's objection to page 449, lines 4 through 7, is OVERRULED.

Plaintiff's objection to page 450, lines 2 through 21, is OVERRULED.

Plaintiff's objection to page 451, line 5 through page 456, line 22 is OVERRULED.

**Colditz, May 2, 2006**

Plaintiff's general objection to this testimony is OVERRULED.

Defendant's objection to page 51, line 1 through page 56, line 10 is SUSTAINED.

Defendant's objection to page 91, line 10 through page 92, line 19 is SUSTAINED.

Plaintiff's objection to page 117, lines 1 through 5, is OVERRULED.

Plaintiff's objection to page 179, line 23 through page 182, line 5 is OVERRULED.

**Colditz, August 24, 2006**

Plaintiff's general objection to this testimony is OVERRULED.

Plaintiff's objection to page 485, line 2 through page 486, line 3 is OVERRULED.

**Colditz, September 13, 2006**

Plaintiff's general objection to this testimony is OVERRULED.

Plaintiff's objection to page 104, line 24 through page 110, line 4 is SUSTAINED.<sup>5</sup>

**Colditz, September 14, 2006**

Plaintiff's general objection to this testimony is OVERRULED.

Plaintiff's objection to page 5, lines 18 through 22, is OVERRULED.

Plaintiff's objection to page 6, line 5 through page 7, line 5 is OVERRULED.

Plaintiff's objection to page 12, lines 3 through 23, is OVERRULED.

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<sup>5</sup>This objection is sustained if Wyeth designates the similar testimony from Colditz, August 23, 2006.

Plaintiff's objection to page 19, line 20 through page 22, line 2 is OVERRULED.

Plaintiff's objection to page 28, lines 8 through 16, is OVERRULED.

**Colditz, January 16, 2007**

Plaintiff's general objection to this testimony is OVERRULED.

Plaintiff's objection to page 51, lines 10 through 25, is OVERRULED.

Plaintiff's objection to page 70, lines 10 through 17, is OVERRULED.

Plaintiff's objection to page 70, line 25 through page 72, line 5 is OVERRULED.

**Colditz, December 18, 2006**

Defendant's objection to page 35, line 11 through page 36, line 9 is OVERRULED.

Defendant's objection to page 42, line 4 through page 43, line 4 is OVERRULED.

Defendant's objection to page 46, line 18 through page 48, line 17 is OVERRULED.

Defendant's objection to page 48, line 19 through page 50, line 1 is OVERRULED.

Defendant's objection to page 50, lines 4 through 14, is SUSTAINED.

Defendant's objection to page 59, line 3 through page 66, line 3 is OVERRULED.

Defendant's objection to page 66, line 4 through page 67, line 2 is OVERRULED.

Defendant's objection to page 67, line 7 through page 70, line 24 is OVERRULED.

Defendant's objection to page 71, lines 3 through 8, is OVERRULED.

Defendant's objection to page 73, lines 7 through 18, is OVERRULED.

Defendant's objection to page 86, line 7 through page 87, line 18 is SUSTAINED.

Defendant's objection to page 87, line 21 through page 90, line 19 is SUSTAINED.

Defendant's objection to page 92, line 11 through page 93, line 7 is SUSTAINED.

Defendant's objection to page 93, line 10 through page 95, line 20 is SUSTAINED.

Defendant's objection to page 95, line 23 through page 97, line 20 is SUSTAINED.

Defendant's objection to page 98, line 1 through page 99, line 3 is SUSTAINED.

Defendant's objection to page 99, line 19 through page 101, line 8 is SUSTAINED.

Defendant's objection to page 103, line 21 through page 104, line 20 is SUSTAINED.

Defendant's objection to page 106, line 16 through page 106, line 9 is OVERRULED.

Defendant's objection to page 106, lines 12 through 18, is OVERRULED.

Defendant's objection to page 107, line 14 through page 110, line 14 is OVERRULED.

Plaintiff's objection to page 182, line 20 through page 183, line 19 is SUSTAINED.

Plaintiff's objection to page 185, line 22 through page 187, line 13 is SUSTAINED.

Plaintiff's objection to page 189, line 23 through page 190, line 2 is OVERRULED.

Plaintiff's objection to page 191, line 3 through page 194, line 4 is OVERRULED.

Plaintiff's objection to page 196, line 24 through page 198, line 10 is OVERRULED.

Plaintiff's objection to page 198, line 22 through page 199, line 2 is OVERRULED.

Plaintiff's objection to page 215, lines 3 through 16, is OVERRULED.

Plaintiff's objection to page 232, lines 11 through 21, is OVERRULED.

Plaintiff's objection to page 233, line 9 through page 234, line 21 is OVERRULED.

**Colditz, December 29, 2006**

Plaintiff's objection to page 395, lines 6 through 21, is OVERRULED.

Defendant's objection to page 544, lines 13 through 20, is OVERRULED.

Defendant's objection to page 769, line 20 through page 772, line 13 is OVERRULED.

Defendant's objection to page 775, line 2 through page 776, line 4 is OVERRULED.

Defendant's objection to page 804, line 15 through page 805, line 3 is OVERRULED.

Defendant's objection to page 805, lines 4 through 20, is SUSTAINED.

Defendant's objection to page 805, line 18 through page 808, line 2 is OVERRULED.

Defendant's objection to page 808, line 5 through page 810, line 2 is SUSTAINED.

Defendant's objection to page 810, line 5 through page 811, line 20 is SUSTAINED.

**Colditz, January 17, 2007**

Plaintiff's general objection to this testimony is OVERRULED.

Plaintiff's objection to page 42, line 6 through page 45, line 2 is OVERRULED.

Plaintiff's objection to page 45, lines 5 through 20, is OVERRULED.

Plaintiff's objection to page 45, line 5 through page 47, line 6 is OVERRULED.

Plaintiff's objection to page 54, line 22 through page 55, line 4 is OVERRULED.

**Stevens, January 26, 2007**

Defendant's objection to page 14, lines 9 through 18, is OVERRULED.

Defendant's objection to page 25, line 10 through page 34, line 22 is SUSTAINED.

Plaintiff's designation on page 30, lines 1 through 3, was WITHDRAWN.

Plaintiff's designation on page 31, lines 16 through 17, was WITHDRAWN.

Defendant's objection to page 34, lines 5 through 12, is SUSTAINED.

Plaintiff's designation on page 36, lines 15 through 24, was WITHDRAWN.

**Corfman, September 8, 2006**

Defendant's objection to page 20, line 19 through page 21, line 3 is OVERRULED.

Defendant's objection to page 23, lines 10 through 20, is OVERRULED.

Defendant's objection to page 24, lines 8 through 24, is SUSTAINED.

Defendant's objection to page 25, lines 4 through 13, is SUSTAINED.



Plaintiff's designation on page 25, lines 18 through 25, was WITHDRAWN.

Defendant's objection to page 26, lines 1 through 5, is OVERRULED.

Plaintiff's designation on page 28, lines 19 through 23, was WITHDRAWN.

Defendant's objection to page 33, line 18 through page 34, line 24 is OVERRULED.

Defendant's objection to page 35, lines 19 through page 37, line 9 is SUSTAINED\*.<sup>6</sup>

Defendant's objection to page 36, lines 11 through 17, is SUSTAINED\*.

Defendant's objection to page 37, lines 1 through 13, is SUSTAINED\*.

Defendant's objection to page 39, lines 4 through 20, is SUSTAINED\*.

Defendant's designation page 39, lines 21 through 23, was WITHDRAWN..

Defendant's objection to page 41, line 13 through page 42, line 18 is SUSTAINED\*.

Defendant's objection to page 42, line 24 through page 43, line 15 is SUSTAINED\*.

Defendant's objection to page 45, lines 11 through 15, is SUSTAINED\*.

Plaintiff's designation on page 48, lines 10 through page 49, line 3 was WITHDRAWN.

Defendant's objection to page 51, lines 2 through 25, is SUSTAINED\*.

Defendant's objection to page 51, lines 6 through 25, is SUSTAINED.

Plaintiff's designation on page 52, lines 1 through 7, was WITHDRAWN.

Defendant's objection to page 54, line 9 through page 55, line 4 is SUSTAINED\*.

Defendant's objection to page 58, lines 14 through 23, is SUSTAINED.

Defendant's objection to page 58, line 14 through page 59, line 1 is SUSTAINED.

Defendant's objection to page 62, lines 8 through 21, is OVERRULED.

Plaintiff's designation on page 63, lines 5 through 13, was WITHDRAWN

Defendant's objection to page 63, line 17 through page 64, line 6 is OVERRULED.

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<sup>6</sup>In the Corfman deposition, sustained objections with an \* require Plaintiff to establish that the testimony relates to the issue of notice in order for me to reconsider the ruling.

Defendant's objection to page 64, line 23 through page 68, line 8 is SUSTAINED\*.

Defendant's objection to page 69, line 21 through page 70, line 17 is SUSTAINED\*.

Defendant's objection to page 71, lines 2 through 23, is SUSTAINED\*.

Defendant's objection to page 72, lines 1 through 21, is SUSTAINED\*.

Defendant's objection to page 75, line 17 through page 76, line 9 is SUSTAINED\*.

Defendant's objection to page 76, line 18 through page 77, line 25 is SUSTAINED\*.

Defendant's objection to page 80, line 23 through page 81, line 25 is SUSTAINED\*.

Defendant's objection to page 84, lines 3 through 13, is SUSTAINED\*.

Defendant's objection to page 84, lines 23 through 25, is SUSTAINED\*.

Defendant's objection to page 85, lines 3 through 12, is OVERRULED.

Defendant's objection to page 86, line 21 through page 87, line 4 is SUSTAINED\*.

Defendant's objection to page 88, line 19 through page 89, line 4 is SUSTAINED\*.

Defendant's objection to page 91, line 24 through page 92, line 5 is SUSTAINED\*.

Defendant's objection to page 91, lines 7 through 12, is SUSTAINED\*.

Defendant's objection to page 92, line 14 through page 93, line 5 is SUSTAINED\*.

Defendant's objection to page 93, lines 7 through 13, is SUSTAINED\*.

Plaintiff's objection to page 97, line 21 through page 98, line 21 is OVERRULED.

Plaintiff's objection to page 105, line 18 through page 106, line 11 is OVERRULED.

Defendant's objection to page 113, lines 3 through 15, is OVERRULED.

Plaintiff's objection to page 115, line 22 through page 116, line 6 is OVERRULED.

Plaintiff's objection to page 116, lines 13 through 17, is OVERRULED.

Plaintiff's objection to page 118, line 16 through page 121, line 12 is OVERRULED.

Plaintiff's objection to page 119, line 1 through page 121, line 12 is OVERRULED.

Plaintiff's objection to page 125, lines 16 through 20, is OVERRULED.

Plaintiff's objection to page 126, line 2 through page 127, line 5 is OVERRULED.

Plaintiff's objection to page 128, line 1 through page 129, line 19 is OVERRULED.

**Marmontello, July 27, 2006**

Defendant's objection to page 19, lines 4 through 8, is OVERRULED.

Defendant's objection to page 28, lines 9 through 24, is SUSTAINED.

Plaintiff's objection to page 44, line 23 through page 45, line 23 is MOOT.

Defendant's objection to page 48, line 4 through page 50, line 6 is SUSTAINED.

Defendant's objection to page 50, line 20 through page 51, line 23 is SUSTAINED.

Defendant's objection to page 52, lines 14 through 24, is SUSTAINED.

Defendant's objection to page 54, lines 11 through 14, is OVERRULED.

Defendant's objection to page 55, line 6 through page 56, line 10 is SUSTAINED.

Defendant's objection to page 58, lines 8 through 11, is OVERRULED.

Defendant's objection to page 58, lines 20 through 25, is OVERRULED.

Defendant's objection to page 62, lines 23 through page 64, line 5 is SUSTAINED.

Defendant's objection to page 70, line 4 through page 71, line 5 is SUSTAINED.

Defendant's objection to page 71, line 10 through page 72, line 20 is OVERRULED.

Defendant's objection to page 72, line 22 through page 73, line 14 is OVERRULED.

Defendant's objection to page 74, line 22 through page 75, line 3 is OVERRULED.

Defendant's objection to page 75, line 20 through page 76, line 20 is OVERRULED.

Defendant's objection to page 79, line 6 through page 80, line 25 is OVERRULED.

Defendant's objection to page 82, line 17 through page 83, line 25 is SUSTAINED.

Defendant's objection to page 89, lines 15 through page 90, line 3 is SUSTAINED.

Plaintiff's objection to page 91, line 20 through page 92, line 12 is OVERRULED.

Plaintiff's objection to page 93, lines 2 through 7, is OVERRULED.

Defendant's objection to page 93, line 12 through page 94, line 19 is SUSTAINED.

Defendant's objection to page 94, lines 8 through page 95, line 8 is OVERRULED.

Defendant's objection to page 98, lines 17 through 21, is SUSTAINED.

Defendant's objection to page 99, lines 17 through page 100, line 15 is SUSTAINED.

Defendant's objection to page 100, line 23 through page 101, line 7 is SUSTAINED.

Defendant's objection to page 101, line 9 through page 102, line 6 is SUSTAINED.

Defendant's objection to page 102, lines 11 through 17, is SUSTAINED.

Defendant's objection to page 103, line 17 through page 104, line 17 is OVERRULED.

Plaintiff's objection to page 104, lines 17 through 18, is OVERRULED.

Defendant's objection to page 104, line 21 through page 105, line 13 is OVERRULED.

Defendant's objection to page 105, lines 17 through 21, is OVERRULED.

Defendant's objection to page 108, line 23 through page 109, line 3 is OVERRULED.

Defendant's objection to page 109, line 25 through page 110, line 7 is OVERRULED.

Defendants designation on page 110, lines 8 through 21, was WITHDRAWN.

Plaintiff's objection to page 111, line 21 through page 112, line 4 is OVERRULED.

Defendant's objection to page 112, lines 19 through 23, is OVERRULED.

Defendant's objection to page 112, line 25 through page 113, line 5 is OVERRULED.

Defendant's objection to page 117, line 21 through page 118, line 4 is OVERRULED.

Defendant's objection to page 126, line 16 through page 127, line 10 is SUSTAINED.

Defendant's objection to page 130, lines 16 through 19, is SUSTAINED.

Defendant's objection to page 131, line 16 through page 132, line 2 is SUSTAINED.

Defendant's objection to page 132, lines 13 through 18, is SUSTAINED.

Defendant's objection to page 134, lines 8 through 13, is SUSTAINED.

Defendant's objection to page 135, line 24 through page 137, line 11 is SUSTAINED.

Plaintiff's objection to page 138, line 5 through page 139, line 14 is OVERRULED.

Defendant's objection to page 139, line 22 through page 140, line 17 is SUSTAINED.

Defendant's objection to page 141, lines 12 through 24, is SUSTAINED.

Plaintiff's objection to page 141, line 25 through 143, line 2 is DENIED.

Defendant's objection to page 143, lines 4 through 25, is SUSTAINED.

Defendant's objection to page 144, line 17 through page 145 line 9 is SUSTAINED.

Defendant's objection to page 145, line 23 through page 146, line 8 is SUSTAINED.

Defendant's objection to page 148, line 11 through page 149, line 12 is SUSTAINED.

Defendant's objection to page 149, line 17 through page 150, line 20 is SUSTAINED.

Plaintiff's objection to page 151, lines 10 through 18, is OVERRULED.

Defendant's objection to page 151, line 23 through page 152, line 13 is SUSTAINED.

Defendant's objection to page 152, line 15 through page 153, line 6 is SUSTAINED.

Defendant's objection to page 153, line 23 through page 154, line 12 is SUSTAINED.

Plaintiff's objection to page 154, lines 13 through 21, is OVERRULED.

Defendant's objection to page 156, lines 16 through 23 is SUSTAINED.

Defendant's objection to page 156, line 25 through page 157, line 7 is SUSTAINED.

Defendant's objection to page 157, lines 8 through 10, is OVERRULED

Defendant's objection to page 157, lines 12 through 19, is OVERRULED.

Defendant's objection to page 158, lines 18 through 21, is OVERRULED.

Defendant's objection to page 158, line 23 through page 159, line 3 is OVERRULED.

Defendant's objection to page 161, line 24 through page 162, line 11 is SUSTAINED.

Plaintiff's objection to page 162, line 12 through page 163, line 3 is OVERRULED.

Defendant's objection to page 171, lines 4 through 7, is OVERRULED.

Defendant's objection to page 189, line 23 through page 190, line 3 is SUSTAINED.

Plaintiff's objection to page 190, lines 7 through 13, is OVERRULED.

Plaintiff's objection to page 191, lines 17 through 25, is OVERRULED.

Defendant's objection to page 192, lines 15 through 24, is OVERRULED.

Defendant's objection to page 204, lines 1 through 23, is SUSTAINED.

Defendant's objection to page 205, line 24 through page 206, line 10 is SUSTAINED.

Defendant's objection to page 206, line 17 through page 207, line 9 is SUSTAINED.

**Henry, July 21, 2006**

Plaintiff's objection to page 30, line 9 through page 31, line 1 is SUSTAINED.

Plaintiff's objection to page 31, line 17 through page 32, line 20 is OVERRULED.

Defendant's objection to page 33, lines 7 through 23, is OVERRULED.

Plaintiff's objection to page 40, line 5 through page 41, line 15 is OVERRULED.

Defendant's objection to page 50, line 14 through page 53, line 3 is SUSTAINED.

Defendant's objection to page 51, lines 6 through 20, is OVERRULED.

Defendant's objection to page 52, line 11 through page 53, line 3 is OVERRULED.

Defendant's objection to page 60, line 10 through page 61, line 22 is SUSTAINED.

Defendant's objection to page 61, line 24 through page 62, line 21 is SUSTAINED.

Defendant's objection to page 62, line 23 through page 63, line 21 is SUSTAINED.

Defendant's objection to page 64, line 21 through page 65, line 17 is SUSTAINED.

Defendant's objection to page 68, line 24 through page 71, line 4 is SUSTAINED.

Plaintiff's objection to page 71, lines 5 through 12, is OVERRULED.

Defendant's objection to page 72, lines 19 through 23, is SUSTAINED.

Defendant's objection to page 73, line 1 through page 74, line 3 is SUSTAINED.

Defendant's objection to page 74, lines 8 through 14, is SUSTAINED.

Defendant's objection to page 75, line 4 through page 78, line 1 is SUSTAINED.

Defendant's objection to page 78, line 3 through page 78, line 5 is SUSTAINED.

Defendant's objection to page 78, line 12 through page 80, line 10 is SUSTAINED.

Defendant's objection to page 87, lines 8 through 20, is SUSTAINED\*\*.

Defendant's objection to page 89, line 20 through page 90, line 15 is SUSTAINED.

Defendant's objection to page 92, line 16 through page 96, line 13 is SUSTAINED.

Defendant's objection to page 95, line 20 through page 96, line 13 is SUSTAINED\*\*.

Plaintiff's objection to page 100, line 11 through page 101, line 3 is OVERRULED.

Defendant's objection to page 110, lines 13 through 21, is SUSTAINED\*\*.

Defendant's objection to page 110, line 13 through page 111, line 3 is SUSTAINED\*\*.

Defendant's objection to page 111, lines 5 through 17, is SUSTAINED\*\*.

Plaintiff's objection to page 111, line 18 through page 112, line 10 is OVERRULED.

Defendant's objection to page 113, lines 8 through 16, is SUSTAINED.

Defendant's objection to page 120, line 10 through page 121, line 15 is SUSTAINED\*\*.

Defendant's objection to page 121, line 16 through page 123, line 19 is SUSTAINED\*\*.

Defendant's objection to page 126, line 6 through page 128, line 17 is SUSTAINED\*\*.

Defendant's objection to page 135, lines 1 through 6, is SUSTAINED\*\*.

Defendant's objection to page 136, line 24 through page 137, line 13 is SUSTAINED.

Defendant's objection to page 138, line 23 through page 140, line 22 is SUSTAINED\*\*.

Defendant's objection to page 141, lines 4 through 18, is SUSTAINED\*\*.

Defendant's objection to page 141, line 19 through page 142, line 7 is SUSTAINED.<sup>7</sup>

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<sup>7</sup>Unless Plaintiff can link the testimony to failure to test.

Defendant's objection to page 142, line 14 through page 144, line 9 is SUSTAINED.<sup>8</sup>

Defendant's objection to page 144, line 10 through page 145, line 24 is SUSTAINED\*\*.

Plaintiff's objection to page 146, lines 1 through 17, is OVERRULED.

Defendant's objection to page 146, line 22 through page 147, line 7 is SUSTAINED.

Defendant's objection to page 147, line 13, is SUSTAINED.

Defendant's objection to page 148, line 8 through page 149, line 2 is SUSTAINED\*\*.

Defendant's objection to page 149, lines 4 through 19, is SUSTAINED\*\*.

Defendant's objection to page 151, line 13 through page 153, line 2 is SUSTAINED\*\*.

Defendant's objection to page 153, line 5 through page 155, line 18 is SUSTAINED\*\*.

Defendant's objection to page 156, line 18 through page 158, line 3 is SUSTAINED\*\*.

Defendant's objection to page 163, lines 2 through 24, is SUSTAINED.<sup>9</sup>

Defendant's objection to page 164, line 1 through page 165, line 8 is SUSTAINED.

Defendant's objection to page 165, line 9 through page 166, line 3 is SUSTAINED\*\*.

Defendant's objection to page 168, line 10 through page 169, line 11 is SUSTAINED\*\*.

Defendant's objection to page 170, line 11 through page 171, line 20 is SUSTAINED\*\*.

Plaintiff's objection to page 171, line 21 through page 172, line 9 is OVERRULED.

Defendant's objection to page 172, lines 11 through page 174, line 16 is SUSTAINED\*\*.

Defendant's objection to page 175, line 6 through page 176, line 6 is SUSTAINED\*\*.

Defendant's objection to page 176, lines 8 through 21, is SUSTAINED\*\*.

Defendant's objection to page 177, line 24 through page 181, line 10 is SUSTAINED\*\*.

Defendant's objection to page 188, line 15 through page 189, line 23 is SUSTAINED\*\*.

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<sup>8</sup>Unless Plaintiff can link the testimony to failure to test.

<sup>9</sup>Unless Plaintiff can link the testimony to failure to test.



Defendant's objection to page 190, lines 2 through page 195, line 8 is SUSTAINED\*\*.

Defendant's objection to page 203, lines 14 through page 205, line 10 is SUSTAINED\*\*.

Defendant's objection to page 205, line 13 through page 206, line 24 is SUSTAINED\*\*.

Defendant's objection to page 207, line 2 through page 208, line 23 is SUSTAINED\*\*.

Defendant's objection to page 223, line 9 through page 225, line 8 is SUSTAINED.

Defendant's objection to page 226, line 13 through page 226, line 23 is SUSTAINED.

Defendant's objection to page 227, line 1 through page 229, line 2 is SUSTAINED.

Defendant's objection to page 229, lines 5 through 18, is SUSTAINED.

Defendant's objection to page 230, line 2 through page 231, line 11 is SUSTAINED\*\*.

Defendant's objection to page 232, line 6 through page 234, line 10 is SUSTAINED\*\*.

Plaintiff's designation on page 235, line 4 through page 236, line 3 was WITHDRAWN.

Defendant's objection to page 240, lines 16 through 24, is SUSTAINED\*\*.

Defendant's designation on page 244, lines 9 through 10 was WITHDRAWN.

Defendant's objection to page 246, line 11 through page 248, line 2 is SUSTAINED\*\*.

Defendant's objection to page 249, line 8 through page 250, line 15 is SUSTAINED\*\*.

Defendant's objection to page 250, line 24 through page 251, line 14 is SUSTAINED\*\*.

Defendant's objection page 252, line 23 through page 254, line 14 is SUSTAINED\*\*.

Defendant's objection page 255, lines 6 through 22, is SUSTAINED\*\*.

Defendant's objection page 258, line 22 through page 260, line 19 is SUSTAINED\*\*.

Plaintiff's objection to page 278, line 8 through page 279, line 4 is OVERRULED.

Plaintiff's objection to page 280, line 13 through page 281, line 10 is OVERRULED.

Plaintiff's objection to page 281, line 12 through page 285, line 14 is OVERRULED.

Plaintiff's objection to page 289, line 8 through page 290, line 6 is OVERRULED.

Plaintiff's objection to page 290, lines 7 through 17, is OVERRULED.

Plaintiff's objection to page 290, line 24 through page 291, line 16 is OVERRULED.

Plaintiff's objection to page 291, lines 17 through 22, is OVERRULED.

Plaintiff's objection to page 296, line 21 through page 297, line 7 is OVERRULED.

Plaintiff's objection to page 300, lines 11 through 17, is OVERRULED.

**Cobb, July 23, 2006**

Plaintiff's objection page 312, line 14 through page 314, line 4 is OVERRULED.

Plaintiff's objection page 500, lines 13 through 19, is OVERRULED.

**Ruffalo, November 14, 2005**

Defendant's objection to page 277, line 13 through 18, is OVERRULED.

Defendant's designation from page 350, line 8 through page 351, line 6 was WITHDRAWN.

**Ruffalo, July 28, 2006**

Defendant's designation from page 18, line 6 through page 19, line 18 was WITHDRAWN.

Defendant's designation from page 21, line 2 through page 22, line 11 was WITHDRAWN.

Plaintiff's objection to page 23, line 15 through page 24, line 14 is OVERRULED.

Defendant's designation from page 29, line 10 through page 35, line 1 was WITHDRAWN.

Plaintiff's objection to page 38, line 4 through page 45, line 8 is OVERRULED.

Defendant's designation from page 44, line 18 through page 45, line 8 was WITHDRAWN.

Plaintiff's objection to page 45, line 15 through page 47, line 1 is OVERRULED.

Defendant's objection to page 53, line 20 through page 54, line 13 is OVERRULED.

Defendant's designation on page 54, line 14 through page 57, line 14 was WITHDRAWN.

Plaintiff's objection to page 57, line 15 through page 61, line 2 is OVERRULED.

Defendant's designation on page 62, line 1 through page 69, line 16 was WITHDRAWN.

Defendant's objection to page 69, line 17 through page 70, line 3 is OVERRULED.

Defendant's designation on page 70, line 12 through page 71, line 5 was WITHDRAWN.

Plaintiff's objection to page 74, line 14 through page 75, line 3 is OVERRULED.

Plaintiff's objection to page 76, line 8 through page 80, line 9 is OVERRULED.

Defendant's objection to page 80, line 10 through page 82, line 15 is OVERRULED.

Defendant's designation on page 82, lines 16 through 24, was WITHDRAWN.

Defendant's designation on page 84, line 12 through page 85, line 14 was WITHDRAWN.

Plaintiff's objection to page 86, line 4 through page 91, line 17 is OVERRULED.

Plaintiff's designation on page 94, line 2 through page 95, line 20 was WITHDRAWN

Defendant's objection to page 98, line 17 through page 99, line 5 is OVERRULED.

Defendant's objection to page 99, lines 20 through 24 is OVERRULED.

Defendant's objection to page 102, line 1 through 104, line 23 is OVERRULED.

Plaintiff's designation on page 106, line 4 through page 110, line 4 was WITHDRAWN.

Plaintiff's designation on page 114, line 5 through page 119, line 8 was WITHDRAWN.

Plaintiff's designation on page 120, line 8 through page 123, line 22 was WITHDRAWN.

Defendant's objection to page 138, lines 5 though 18, is OVERRULED.

Defendant' objection to page 138, line 22 through page 140, line 4 is OVERRULED.

Defendant' objection to page 143, line 5 through page 145, line 3 is OVERRULED.

Plaintiff's objection to page 149, line 18 through page 150, line 16 is OVERRULED.

Defendant's objection to page 150, line 24 through page 152, line 16 is OVERRULED.

Defendant's objection to page 159, line 2 through page 160, line 1 is OVERRULED.

Plaintiff's objection to page 160, line 2 through page 161, line 8 is OVERRULED.

Defendant's objection to page 172, line 3 through page 175, line 5 is OVERRULED.

Defendant's objection to page 176, line 8 through page 177, line 8 is OVERRULED.

Defendant's objection to page 182, line 12 through page 184, line 21 is OVERRULED.

Defendant's objection to page 186, lines 6 through 17, is SUSTAINED.

Defendant's objection to page 188, lines 12 through 15, is SUSTAINED.

Defendant's objection to page 188, line 18 through page 189, line 18 is SUSTAINED.

Defendant's objection to page 190, lines 16 through 19, is OVERRULED.

Defendant's objection to page 101, line 18 through page 192, line 15 is OVERRULED.

Plaintiff's designation on page 196, line 5 through page 197, line 17 was WITHDRAWN.

Defendant's objection to page 197, line 18 through page 198, line 6 is OVERRULED.

Defendant's objection to page 202, line 10 through page 203, line 7 is OVERRULED.

Defendant's objection to page 203, line 19 through page 204, line 19 is OVERRULED.

Defendant's objection to page 204, line 22 through page 206, line 4 is OVERRULED.

Plaintiff's objection to page 207, line 14 through page 208, line 11 is OVERRULED.

Defendant's objection to page 222, line 9 through page 223, line 13 is OVERRULED.

Plaintiff's objection to page 227, line 3 through page 228, line 1, is OVERRULED.

Defendant's objection to page 228, line 5 through page 231, line 5 is OVERRULED.

Plaintiff's designation on page 231, lines 10 through 23, was WITHDRAWN.

Defendant's objection to page 237, line 17 through page 239, line 7 is OVERRULED.

Plaintiff's designation on page 240, line 17 through page 242, line 19 was WITHDRAWN.

Defendant's objection to page 244, line 14 through page 245, line 22 is OVERRULED.

Plaintiff's objection to page 246, line 1 through page 247, line 5 is OVERRULED.

Defendant's objection to page 248, line 6 through page 249, line 20 is OVERRULED.

Defendant's objection to page 252, line 14 through page 253, line 12 is OVERRULED.

Plaintiff's objection to page 253, lines 12 through 22, is OVERRULED.

Defendant's objection to page 265, line 20 through page 267, line 15 is OVERRULED.

Defendant's objection to page 268, lines 11 through page 270, line 22 is OVERRULED.

Defendant's objection to page 271, line 18 through page 272, line 3 is OVERRULED.

Plaintiff's designation on page 272, lines 4 through 13 was WITHDRAWN.

Plaintiff's designation on page 273, line 17 through page 274, line 24 was WITHDRAWN.

Plaintiff's designation on page 275, line 12 through page 278, line 23 was WITHDRAWN.

Plaintiff's designation on page 278, lines 17 through 20, was WITHDRAWN.

Defendant's objection to page 279, line 15 through page 280, line 20 is OVERRULED.

Defendant's objection to page 281, lines 10 through 13, is SUSTAINED.

Plaintiff's designation on page 282, line 12 through page 287, line 13 was WITHDRAWN.

Plaintiff's designation on page 288, line 6 through page 289, line 23 was WITHDRAWN.

Defendant's objection to page 292, line 16 through page 294, line 12 is OVERRULED.

Defendant's objection to page 295, line 12 through 18 is OVERRULED.

Plaintiff's designation on page 295, line 19 through page 296, line 14 was WITHDRAWN.

Defendant's objection to page 299, line 17 through page 301, line 19 is OVERRULED.

Defendant's objection to page 303, line 20 through page 304, line 12 is OVERRULED.

Defendant's objection to page 311, line 6 through page 317, line 4 is OVERRULED.

Plaintiff's objection to page 318, lines 11 through 14, is OVERRULED.

IT IS SO ORDERED this 14th day of February, 2007.

/s/ Wm. R. Wilson, Jr.  
UNITED STATES DISTRICT JUDGE

